

REMARKS

I. Introduction

This is in response to the Final Office Action dated November 17, 2010, and is filed within two months from the mailing date of the Final Office Action in accordance with the Expedited Procedure set forth in MPEP § 714.13 (V). Entry of these remarks are respectfully requested under 37 C.F.R. § 1.116.

The Office Action rejected claims 1-20, 23-42, 45-62, 65-76, and 78 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,529,725 to Joao et al. (*hereinafter* “Joao”). The Office Action rejected claims 21-22, 43-44, 63-64, and 77 under 35 U.S.C. § 103(a) as being unpatentable over Joao.

Applicants respectfully traverse the Examiner’s rejections. Claims 1-3, 5-25, 27-46, and 48-81 remain for consideration. No new matter has been added.

II. Claim Rejections

Independent claims 1, 23, 45, 46, 65, and 78 stand rejected under 35 U.S.C. § 35 U.S.C. § 102(e) as being anticipated by Joao. In order for a claim to be anticipated under 35 U.S.C. § 102, **each and every** limitation of the claim must be found either expressly or inherently in a single prior art reference. PIN/NIP, Inc. v. Platte Chem. Co., 304 F.3d 1235, 1243 (Fed. Cir. 2002). However, Joao does not show each and every limitation of the independent claims. Therefore, the rejection under 35 U.S.C. §102(e) should be withdrawn.

With respect to independent claim 1, Applicants note that claim 1 recites:

transmitting to a wireless device associated with a first user
a managed message from a computational entity that sends the
managed message to at least one other device associated with at
least one other user . . . ;

receiving, from at least one of the users, at least one
payment transaction authorization associated with input responsive
to the managed message.

In accordance with claim 1, a managed message is transmitted to multiple devices (i.e., “to a wireless device associated with a first user” and “to at least one other device associated with at least one other user”). Furthermore, a payment transaction authorization associated with input in response to the managed message is received from at least one of the users to which the managed message is transmitted. Applicants respectfully submit that Joao fails to disclose all of the features recited by claim 1.

In the “Response to Arguments” of the Final Office Action, the Examiner disagrees with the assertion that Joao fails to disclose these features of claim 1. The Examiner specifically disagrees with this assertion by citing Joao as “teach[ing] that the system may call the cardholder and/or an alternate phone number or authorized individual for authorization of the transaction.” (Detailed Action, item 1, page 2 (*citing* Joao, col. 31, lines 32-47; and col. 39, lines 13-41)).

While Joao discloses “transmit[ing] respective signals and/or data to any one or more of the cardholder’s designated fax machine 5, personal computer 6, telephone 7, telephone answering machine 8, alternate telephone 9, alternate telephone answering machine 10, network computer 11, and/or alternate beeper 12 or alternate page 13” (Joao, col. 18, lines 22-28) and Joao more generally discloses “transmitting signals and/or data to the cellular telephone 202 and to the communication device 204 and/or to any other device which may be utilized,” Joao fails to disclose

transmitting to a wireless device associated with a first user a
managed message from a computational entity that sends the
managed message to at least one other device associated with at
least one other user

as recited by claim 1. No aspect of Joao discloses “transmitting to a wireless device associated with a first user a managed message” **and** “send[ing] the managed message to at least one other device associated with at least one other user.”

With respect to transmitting a managed message to a device associated with a first user and sending the managed message to at least one other device associated with another user, the Examiner contends that Joao teaches “the system may call . . . an alternate phone number or authorized individual for authorization of the transaction.” (Detailed Action, item 1, page 2).

However, applicants respectfully submit that no cited passage of Joao discloses calling an alternate authorized individual. Moreover, even assuming *arguendo* Joao discloses transmitting a message to a device or an alternate authorized user, no passage of Joao discloses sending the message to two devices (i.e., “a wireless device associated with a first user” and “at least one other device associated with at least one other user”).

For at least the foregoing reasons Joao fails to disclose each and every feature of claim 1. Therefore, Joao fails to anticipate claim 1, and claim 1 is allowable. Applicants respectfully request the Examiner reconsider the interpretation of claim 1 and Joao, and withdraw the rejection of claim 1 under 35 U.S.C. § 102(e).

Independent claims 23, 45, 46, 65, and 78 disclose features similar to those of claim 1 discuss above. Accordingly, claims 23, 45, 46, 65, and 78 are allowable over Joao.

All remaining claims depend from independent claims 1, 23, 45, 46, 65, or 78. Therefore, for at least the reasons discussed above with respect to their respective base claims, all remaining claims are neither anticipated nor obvious in view of Joao. Accordingly, all remaining claims are allowable over Joao.

Reconsideration and withdrawal of the rejections of claims 1-3, 5-25, 27-46, and 48-81 is respectfully requested.

III. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

If this communication is filed after the shortened statutory time period has elapsed and no separate Petition is enclosed (or the enclosed Petition is insufficient), the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 06-2143.

Respectfully submitted,

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